

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NORTH CAROLINA  
RALEIGH DIVISION

IN RE:	)	CHAPTER 7
VESTIQ PHARMACEUTICALS, INC.,	)	CASE NO.: 14-02644-5-SWH
Debtor	)	

**TRUSTEE'S APPLICATION TO EMPLOY SPECIAL COUNSEL**

NOW COMES Richard D. Sparkman, the Chapter 7 Trustee appointed in this case, pursuant to 11 U.S.C. §327, and respectfully applies to the Court for authority to employ special counsel, Cindy G. Oliver and Morris, Russell, Eagle & Worley, PLLC, and respectfully shows in support hereof:

1. On May 7, 2014, a voluntary bankruptcy petition under Chapter 7 of the United States Bankruptcy Code was filed against Vestiq Pharmaceuticals, Inc. (the "Debtor"), in the United States Bankruptcy Court of the Eastern District of North Carolina, Raleigh Division. Richard D. Sparkman is the Chapter 7 Trustee appointed in this case.

2. The Trustee seeks authority to employ Cindy G. Oliver and Morris, Russell, Eagle & Worley, PLLC ("Morris Russell") as special counsel in the above-captioned case. Ms. Oliver is admitted to practice law in this Court.

3. The Trustee has selected Ms. Oliver and Morris Russell as special counsel to represent the Trustee in investigating and prosecuting fraudulent conveyance actions, preference actions, objections to the discharge, objections to claims, and other litigation, including but not limited to serving as local counsel for out of state counsel.

4. It is necessary for the Trustee to employ special counsel in this case for the professional services described in paragraph #3 above.

5. Compensation for legal services as special counsel for the Trustee should be allowed on a reasonable basis, in such amount as determined by the Court, during or after the performance of such services, on an interim or final basis and after application for such compensation. Ms. Oliver's present hourly rate is \$275.00.

6. Ms. Oliver and Morris Russell have no connection with the Trustee, the Debtor, the creditors or any other party in interest, except as disclosed in the attached affidavit. Ms. Oliver and Morris Russell do not hold or represent any interest adverse to the estate, except as disclosed in the affidavit attached hereto as Exhibit "A" and incorporated herein, and it is in the best interest of the estate as set forth in 11 U.S.C. §317(e) for Ms. Oliver and Morris Russell to be employed as special counsel for the estate.

WHEREFORE, the Trustee respectfully requests the Court that he be authorized to employ and appoint Ms. Oliver and Morris Russell as special counsel on the basis set out herein nunc pro tunc to May 7, 2014.

This the 12<sup>th</sup> day of May 2014.

RICHARD D. SPARKMAN & ASSOCIATES, P.A.

BY: s/ Richard D. Sparkman  
Chapter 7 Trustee  
N.C. State Bar # 6857  
P.O. Box 1687  
Angier, NC 27501  
Telephone: (919) 639-6181

CERTIFICATE OF SERVICE

I, Richard D. Sparkman, do hereby certify that the foregoing **Trustee's Application To Employ Special Counsel** and **Affidavit of Special Counsel** has been served upon each of the parties listed below by placing copies of the same in the United States mail, postage prepaid or by electronic mail as indicated below.

Marjorie K. Lynch                      Via CM/ECM  
Bankruptcy Administrator

Gerald A. Jeutter, Jr.                Via CM/ECM  
Attorney for Debtor

Vestiq Pharmaceuticals, Inc.  
11010 Lake Grove Blvd., Suite 100  
Box 355  
Morrisville, NC 27560

This the 12<sup>th</sup> day of May 2014.

RICHARD D. SPARKMAN & ASSOCIATES, P.A.

BY: s/ Richard D. Sparkman  
Chapter 7 Trustee  
N.C. State Bar # 6857  
P.O. Box 1687  
Angier, NC 27501  
Telephone: (919) 639-6181